

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SHANE K. HOPKINS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-870-SLR
)	
CORRECTIONAL OFFICER J. PUSEY,)	
CORRECTIONAL OFFICER J. SMITH,)	
DEPUTY WARDEN DAVID E. PIERCE,)	
JR., CPL M. MERSON, JUDITH)	
MELLEN, DREWRY NASH FENNELL,)	
AND ATTORNEY GENERAL OF THE)	
STATE OF DELAWARE)	
)	
Defendants.)	

**MOTION OF DEFENDANTS DREWRY NASH FENNELL AND JUDITH MELLEN
FOR LEAVE TO DEPOSE PLAINTIFF**

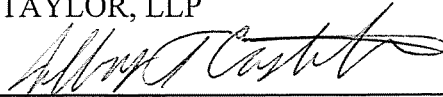
COME NOW Defendants Drewry Nash Fennell and Judith Mellen, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting counsel the right to depose Plaintiff Shane K. Hopkins ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for Defendants Fennell and Mellen wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is February 2, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.

5. A form of order is attached to this motion that grants counsel for Defendants Fennell and Mellen the right to depose Plaintiff.

WHEREFORE, Defendants Fennell and Mellen respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Shane Hopkins.

YOUNG CONAWAY STARGATT &
TAYLOR, LLP



John W. Shaw (No. 3362)
Jeffrey T. Castellano (No. 4837)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19899-0391
(302) 571-6600
jcastellano@ycst.com
Attorneys for Defendants
Drewry Nash Fennell and Judith Mellen

Dated: January 23, 2007

CERTIFICATE OF SERVICE

I, Jeffrey T. Castellano, Esquire, hereby certify that on January 23, 2007, I caused copies of the foregoing document to be served upon the following in the manner indicated:

BY FIRST CLASS U.S. MAIL

Shane K. Hopkins
SBI #00253918, 17-A-L-4
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

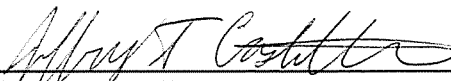
BY HAND DELIVERY

Stacey Xarhoulakos, Esquire
Department of Justice
Carvel State Office Building
820 North French Street, 6th Floor
Wilmington, DE 19801

I, further certify that on January 23, 2007, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Stacey Xarhoulakos, Esquire
Department of Justice
Carvel State Office Building
820 North French Street
Wilmington, DE 19801

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Jeffrey T. Castellano (No. 3362)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
jcastellano@ycst.com